IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE FIFTH DAY OF OCTOBER

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE K.C.BHANU

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WP.No.21452 OF 2005

Between:

Sri Anantha Lakshmi Enterprises,

(retail outlet/service station-IOC)

represented by its Proprietor: Davala Sarveswara Rao,

s/o.late Suryanarayana, aged 44 years, r/o.

Padmanabham (v) & (M), Visakhapatnam district. … Petitioner

Versus

Sri Sri Sri Ananta Padmanabha Swamy Vari Devastanam,

Represented by its Executive Officer,

Padmanabham (v) & (M),

Visakhapatnam district & Ors. … Respondents

Counsel for the Petitioner: Mr.M.VIDYASAGAR

Counsel for the Respondent No.1: Smt.N.Indrani

Counsel for the Respondent No.2: GP for Home

Counsel for the Respondent NO.3: GP FOR REVENUE

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O R D E R :

This writ petition is filed seeking mandamus to declare the action of the first respondent in issuing proceedings dated 18-8-2005 passed in RC.No.APSD/5/2005 requesting to register a criminal case against the proprietor of the petitioner's firm

and also consequently directing the third respondent to prevent the undertaking of the work in the schedule mentioned land admeasuring an extent of Ac:0-74 cents in survey no.32/4 of Padmanabham village as illegal and arbitrary.

The learned counsel for the petitioner vehemently contended that the petitioner's title has been declared in the Inams enquiry dated 28-12-1978 passed in AIAC.No.85/78 by the Special Deputy Tahsildar (Inams), Visakhapatnam, under Section 3 (3) of the Inams Abolition Act, 1956 and therefore, there are several provisions under the Hindu Religious Charitable Institutions Act to decide the title of the first respondent and the first respondent has not issued any notice to the petitioner and issuing the impugned proceedings is nothing but abuse of process of court.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

It is the statutory duty of the police to conduct investigation and that statutory power cannot be curtailed unless the allegations made in the complaint do not make out cognizable offence. Therefore, it is for the police to take appropriate decision on the complaint dated 18-8-2005 in RC.No.APSD/2005 forwarded by the Regional Joint Commissioner and Executive Officer of Sri Sri Anantha Padmanabha Swamyvari Devasthanam, Padmanabham village and Mandal of Visakhapatnam district and to make enquiry in accordance with law.

Without entering into the merits of the case, I deem it appropriate to direct the second respondent to take appropriate decision on the complaint dated 18-8-2005 in

RC.No.APSD/2005 forwarded by the Regional Joint Commissioner and Executive Officer of Sri Sri Anantha Padmanabha Swamyvari Devasthanam, on merits and in accordance with law, if any cognizable offence is made out on the allegations made in the said complaint.

With the above direction, the writ petition is accordingly disposed of at the admission stage. No costs.

OCTOBER 05th, 2005. ----------

I s L. ***K.C. BHANU*** **, J**.